

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

Electronically Filed

*This Document Relates to:*

*Ashton, et al. v. Al Qaeda Islamic  
Army, et al.*, 02 CV 06977 (RCC)

*Burnett, et al. v. Al Baraka Investment  
& Development Corp., et al.*, 03 CV  
09849 (RCC)

**AL RAJHI BANKING & INVESTMENT  
CORPORATION'S MEMORANDUM IN SUPPORT OF ITS  
MOTION FOR ORAL ARGUMENT ON ITS RENEWED MOTION TO DISMISS**

On February 7, 2003, Al Rajhi Banking & Investment Corporation ("Al Rajhi Bank"), without having been served with process, voluntarily appeared in *Burnett v. Al Baraka Investment & Development Corp.*, 02 CV 1616 (D.D.C.) (Robertson, J.), to clear its good name. The Bank filed a motion to dismiss (Docket Entries 64, 97 and 108) which, after a hearing before Judge James Robertson, resulted in the dismissal of all but one allegation against the Bank: "Except for the allegation of ¶ 46, . . . the 3AC fails to state a claim against Al Rajhi upon which relief can be granted." *Burnett v. Al Baraka Inv. & Dev. Corp.*, 274 F. Supp. 2d 86, 109 (D.D.C. 2003). After the Plaintiffs submitted a more definite statement with respect to the sole remaining allegation (Docket Entry 266), Al Rajhi Bank renewed its motion to dismiss (Docket Entries 353, 394 and 411). That motion is fully briefed and ripe for oral argument.

Al Rajhi Bank also has appeared voluntarily in *Ashton v. Al Qaeda Islamic Army*, 02 CV 06977 (S.D.N.Y.), and, in light of the recent consolidation of cases, respectfully requests that the Bank's motion to dismiss be deemed fully briefed and ripe for oral argument in that action as well. The factual allegations made against the Bank in the *Ashton* Third Amended Complaint are virtually identical to those made in the *Burnett* Third Amended Complaint and have been thoroughly treated in the briefs on the Bank's motion to dismiss and renewed motion. For the reasons stated in Al Rajhi Bank's briefs in support of its motion and renewed motion, these factual allegations are insufficient to sustain any claim advanced against the Bank. Repetitive briefing on these duplicative allegations would be unduly burdensome on the Court and parties.

### **CONCLUSION**

For the foregoing reasons, Al Rajhi Bank respectfully moves for oral argument on its renewed motion to dismiss in *Burnett* and *Ashton* at the Court's earliest convenience.

Dated: Washington, D.C.  
March 19, 2004

Respectfully submitted,

**WHITE & CASE LLP**

By: /s/ Christopher M. Curran  
Christopher M. Curran (CC-4779)  
Nicole E. Erb (NE-7104)  
601 Thirteenth Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 626-3600

*Attorneys for Defendant  
Al Rajhi Banking & Investment Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2004, I caused an electronic copy of Defendant Al Rajhi Bank's Memorandum In Support of Its Motion For Oral Argument On Its Renewed Motion To Dismiss to be served by the Court's Electronic Case Filing System upon:

Stanton D. Anderson

Michael K. Kellogg

Lynne A. Bernabei

Andrew Joseph Maloney

Andrea B. Bierstein

Richard T. Marooney

Stephen Joseph Brogan

Marc S. Moller

Deborah S. Burstein

Ronald L. Motley

Dorothea M. Capone

James Joseph Murphy

David C. Cook

Brian Howard Polovoy

Joshua Lewis Dratel

John Christopher Rozendaal

Jodi Westbrook Flowers

Thomas P. Steindler

David Charles Frederick

Jeanette M. Viggiano

Michael John Guzman

Thomas Charles Viles

Mark Charles Hansen

John Joseph Walsh

Alan Robert Kabat

Henry Sabath Weisburg

Peter Jonathan Kahn

I further certify that on March 19, 2004, I caused a paper copy of Defendant Al Rajhi Bank's Memorandum In Support of Its Motion For Oral Argument On Its Renewed Motion To Dismiss to be served by first-class mail, postage prepaid:

Matthew G. Ash  
Cozen O'Connor  
1667 K Street, NW  
Suite 500  
Washington, DC 20006

Michael F. Baumeister  
Baumeister & Samuels, P.C.  
One Exchange Plaza  
New York, NY 10006

Mitchell R. Berger  
Ugo A. Colella  
Ronald S. Liebman  
Patton Boggs, LLP  
2550 M Street, NW  
Washington, DC 20037

George R. Blakey  
One Notre Dame Circle  
Notre Dame, IN 46556

Robert D. Brain  
Howarth & Smith  
800 Wilshire Boulevard  
Suite 750  
Los Angeles, CA 90017

John J. Burbridge  
Law Office of Russell K. Statman  
150 W. 28th Street  
1402  
New York, NY 10001

Richard D. Burbridge  
139 E. South Temple  
Salt Lake City, UT 84111

Brian Arthur Coleman  
1500 K Street, NW  
Suite 1100  
Washington, DC 20005

Donna M. Conroy  
Frieri & Conroy  
1044 Rte. 22 W.  
Mountainside, NJ

Jayne Conroy  
Coblence & Warner  
415 Madison Avenue  
New York, NY 10017

Jayne H. Conroy  
Hanly & Conroy, L.L.P.  
415 Madison Avenue – 15th Floor  
New York, NY 10017

John A. Corr  
Mellon, Webster & Shelley  
87 North Broad Street  
Doylestown, PA 18901

Joseph A. Cullen  
87 North Broad Street  
Doylestown, PA 18901

H. Patrick Donohue  
Armstrong, Donohue, Ceppos & Vaughn,  
Chartered  
204 Monroe Street  
#101  
Rockville, MD 20854

Gerald A. Feffer  
Williams & Connolly LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005

Jonathan L. Greenblatt  
Shearman & Sterling, L.L.P.  
599 Lexington Avenue  
New York, NY 10022-6069

Maher H. Hanania  
6066 Leesburg Pike  
Suite 101  
Falls Church, VA 22041

Harry Huge  
Harry Huge Law Firm, L.L.P.  
1001 Pennsylvania Avenue, NW  
7th Floor  
Washington, DC 20004

William H. Jeffress  
Baker, Botts, L.L.P.  
1299 Pennsylvania Avenue, NW  
The Warner  
Washington, DC 20004

Alan Kahn  
134 East 22nd Street  
New York, NY 10010

Anne McGinness Kearse  
Ness & Motley, P.A.  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465

Matthew H. Kirtland  
Fulbright & Jaworski, L.L.P.  
801 Pennsylvania Avenue, NW  
Washington, DC 20004

Brian J. Alexander  
David Beekman  
Paul S. Edelman  
Francis G. Fleming  
Justin T. Green  
James P. Kreindler  
Lee S. Kreindler  
Noah H. Kushlefsky  
Marc S. Moller  
Steven R. Pounian  
Blanca I. Rodriguez  
Milton G. Sincoff  
Robert James Spragg  
Kreindler & Kreindler  
100 Park Avenue  
New York, NY 10017-5590

Nancy Luque  
Donna M. Sheinbach  
Gray Cary  
1625 Massachusetts Avenue, NW  
Suite 300  
Washington, DC 20036

Christopher Talbott Lutz  
Steptoe & Johnson, L.L.P.  
1330 Connecticut Avenue, NW  
Washington, DC 20036

Patrick A. Malone  
Robert F. Muse  
Stein, Mitchell & Mezones  
1100 Connecticut Avenue NW  
Suite 1100  
Washington, DC 20036

Martin F. McMahon  
Reilly, Like, Tenety & Ambrosino  
179 Little East Neck Road North  
P.O. Box 818  
Babylon, NY 11702

Michael J. McManus  
Drinker, Biddle & Reath, L.L.P.  
1500 K Street NW  
Suite 1100  
Washington, DC 20005-1209

John C. Millian  
Gibson, Dunn & Crutcher, L.L.P.  
1050 Connecticut Avenue, NW  
Washington, DC 20036

Donald J. Nolan  
Nolan Law Group  
20 North Clark Street  
Chicago, IL 60602

David J. O'Brien  
20 Vesey Street  
New York, NY 10007

Paul J. Orfanedes  
501 School Street, SW  
Suite 700  
Washington, DC 20024

James F. Peterson  
501 School Street, NW  
Washington, DC 20024

Edward H. Rubenstone  
Four Greenwood Square  
Suite 200  
Bensalem, PA 19020

John David Shakow  
1730 Pennsylvania Avenue, NW  
Washington, DC 20006

Chryssa V. Valletta  
McDermott, Will & Emery  
50 Rockefeller Plaza  
New York, NY 10020

Rochelle R. Weisburg  
Angel & Frankel, P.C.  
460 Park Avenue  
New York, NY 10022-1906

/s/ Nicole E. Erb

Nicole E. Erb